IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CWP No.10185 of 2007
Date of decision: 12. 7.2007

Virender Kumar

...Petitioner

vs.

The Ld. Presiding Officer, Labour Court, Ambala and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE AJAI LAMBA

Present: Mr. Ramesh Sharma, Advocate for the petitioner.

JUDGMENT:

This petition seeks quashing of the award of the Labour Court rejecting the claim of the workman.

Claim of the workman was that he joined service with respondent No.2 – Education Society on 24.7.1992 and his services were terminated on 23.6.1993 without any enquiry and without complying with the provisions of Section 25-F of the Industrial Disputes Act, 1947 (for short, 'the Act'). His appeal against the order of termination was dismissed by the Director Higher Education and his writ petition was dismissed on 12.1.2001 with liberty to take remedy before an appropriate forum.

He had already given demand notice dated 21.5.2001 on which reference was made for adjudication on 19.3.2002.

The management contested the claim of the workman by pointing out that there was no regular post and appointment of the petitioner was purely on temporary basis.

The Labour Court found that the petitioner was never selected in any regular selection and he could not be reinstated merely on account of his having completed 240 days. It was also observed that though, termination of his services was in the year 1993, he raised industrial dispute only in the year 2001, after he had filed writ petition in the High Court in the year 1999. He had approached the Director of Higher Education also only in June 1996.

We have heard learned counsel for the petitioner and perused the record.

The petitioner was never appointed on regular basis and after the order of termination, he kept quiet for more than three years. In these circumstances, the view taken by the Labour Court that order of termination of services of the petitioner was not liable to be interfered with, cannot be held to be suffering from any patent error. The said view is also in consonance with the law laid down by the Hon'ble Supreme Court in **Municipal Council, Samrala v. Raj Kumar, (2006) 3 SCC 81, State of UP v. Neeraj**

Awasthi (2006) 1 SCC 667 **and Indian Drugs & Pharmaceuticals Ltd. v. Workmen,** (2007) 1 SCC 408.

In view of above, the writ petition is dismissed.

(Adarsh Kumar Goel)
Judge

July 12, 2007 (Ajai Lamba)
'gs' Judge